

Asians use floral garlands to greet and honor guests.

A lei symbolizes love, support, and friendship. Longstanding tradition in Hawaii has made May 1 a special day for the people of Hawaii. The Territory of Hawaii observed its first "May Day is Lei Day" celebration on May 1, 1928. There were many festivities and competitions that exhibited lei made of flowers from the different islands. In addition, many schools held elaborate programs throughout the islands.

This tradition has continued for many years in Hawaii. In 1929, Governor Farrington signed a Lei Day proclamation urging the citizens of Hawaii to "observe the day and honor the traditions of Hawaii-*nei* by wearing and displaying lei." Many schools celebrate this day by holding pageants where students honor the many cultures and traditions of Hawaii. Students commonly elect a May Day court, commemorating Hawaii's royal heritage, that consists of two representatives who wear flowers and colored Aloha attire representative and customary for each of the eight major islands of Hawaii. In addition, many communities hold events in honor of Lei Day, including lei making contests and concerts.

This year, the Hawaii State Legislature passed a bill to officially recognize May 1 as "Lei Day in Hawaii." The bill was recently signed into law by Gov. Benjamin Cayetano.

Mr. President, in an effort to share the Aloha spirit across America and around the world, the Hawaii Visitors and Convention Bureau will be sharing lei in seventeen cities today. Approximately 31,000 lei will be shared in 17 cities around the world, including here in Washington, DC, New York, Chicago, Vancouver, Seoul, Sydney, Beijing, and Buenos Aires. The lei will be of three types: plumeria, tuberose, and dendrobium orchids. I am pleased that we in Washington, DC, are able to participate in this wonderful celebration of the Aloha spirit. Across Capitol Hill this morning, young people from the metropolitan area who are students of Native Hawaiian hula, language and culture are sharing a floral greeting and compilation of beautiful Hawaiian music with every Senator and Member of Congress. I encourage all of my colleagues to enjoy the fragrant and beautiful lei, listen to the music and allow yourself to be transported to Hawaii where you too will discover the cheer and camaraderie of Lei Day.

The songwriter Red Hawke captured it best when he wrote:

May Day is Lei Day in Hawaii,  
Garlands of flowers everywhere,  
All of the colors in the rainbow,  
Maidens with blossoms in their hair,  
Flowers that mean we should be happy,  
Throwing aside a load of care,  
Oh, May Day is Lei Day in Hawaii,  
May Day is happy out there.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

### EDUCATION

Mr. FRIST. Mr. President, we are in morning business now, but I do want to take this opportunity to comment on a vote that we at least plan to have about an hour from now. That vote is a technical type of vote, but it is a very important vote because it determines whether or not we allow this body the opportunity to address straight up, head on, with debate, what I regard as the most important issue before us today, if we look both short term and long term: Education, kindergarten through the 12th grade. That is an issue about which all of us in this body feel very strongly.

We have contributed to the debate in many positive ways in the past, and it is an issue that has been addressed in the appropriate committee, the Health, Education, Labor, and Pensions Committee, which wrote a bill called the Better Education for Students and Teachers Act, which is in my hands. It passed out of that committee and is ready to come to the floor. People have had the opportunity to read it. It has been sitting on people's desks. We actually addressed it about a month ago.

I feel so strongly about this issue. It is amazing to me that, although Republicans believe very strongly we need to bring this to the floor, there are people on the other side of the aisle who object to bringing it to the floor. We as a nation have failed to do what has been so well articulated by the President of the United States, President Bush, in that we have an obligation to leave no child behind. We as a nation have failed to accomplish that objective.

It was in 1965 that the Elementary and Secondary Education Act, ESEA—we will be talking a lot about ESEA, and that is what that is—was passed as part of the War On Poverty, written by President Johnson. Over the last 35 years that program has been reauthorized seven different times, each with very good intent, each with a lot of discussion. From what started as a real focus on allowing better access to education, over 35 years with approximately 60 different programs and now approximately 14 different titles of this bill, this underlying law has emerged.

We have to start to consider this bill today. I urge my colleagues on the other side of the aisle to allow it to come to the floor.

The sad thing is, we are failing. We have failed in the past, despite a whole litany of good intentions that resulted in programs, about 230 different programs and entities which we tried to put out there to address specific prob-

lems in the past—in spite of all that, we failed. So now we have this opportunity, a wonderful opportunity, where, again, in a bipartisan way, many of us in this body and in the House of Representatives, under the leadership of President Bush, have come together. We have that opportunity to change.

When we use the word "reform," it scares some people because reform means such dramatic change, but we have to admit that it is time to change, to reinvent, to reconceptualize what K-12 Federal education programs are all about.

What is the role of the Federal Government? Why are we even discussing it in this body? I think there are two reasons. No. 1, as I said, over the last 35 years we have invested a large amount of money, a lot of resources, and we are failing. All of us know that by every global comparison, standard testing assessment, we are failing our children, whether it is in the 8th grade, or the 9th, 10th, 11th, or 12th grade.

The 12th grade is a pretty good year to look at because it is a year we know is important. We have gone through kindergarten and 4th and 8th and 10th and 12th grade, so this is kind of the final product of K-12. In truth, you can assess students at the 10th grade or 8th grade or 4th grade, and at each of those levels we are failing our children. But if you look at the 12th grade, you can say that is the final product, that is what America is all about, and that is what the future of America is all about. For those 12th graders, where access in this country is, I would say, superb, we are failing in those global comparisons in mathematics, in science, in ability to write, in ability to communicate.

Those basic skills that we know and that everyone—liberals, conservatives, Democrats and Republicans—recognizes you have to be equipped with if you are going to live a fulfilling life are increasingly competitive, not just in local towns, communities, States, or regions in this Nation but across this great world in which we live, such as in mathematics. It depends on the particular study. If you look at our 12th graders versus other nations, we rank 18th—not 1st, 10th, or 15th, but right around 18th, or somewhere between 15th and 20th in the world. That is how many nations are better than us.

In my own field of science, it is even worse. We are around 19th or in some States 20th compared to other nations in the world. We know how important science is in terms of understanding nature and in understanding technology, which is revolutionizing our lives. And we are sending our young people out into the world less well prepared than 18 other countries in the world, none of which have the creativity or the ingenuity or the resources that we have in the United States of America.

That is why an hour from now I am very hopeful that this body allows and

that the Democrats allow this bill to come forward. Let's work it out and talk about these very important issues. The Republicans want the bill considered on the floor; the Democrats have refused, and thus we will have this technical vote an hour from now.

I mentioned yesterday in some of the conversations the principles I am very hopeful we will bring forward and debate, the principles which are outlined in a lot of detail, because this is a product of extensive bipartisan discussion. This came out of committee in a bipartisan way with a bipartisan vote. Those guiding principles which I mentioned, at least in my mind, are important.

No. 1, instead of straightjacketing out of Washington, DC because of good intentions and what goes on at the State level where there is a lot of reform, we are playing catch-up ball. There is a tremendous amount of reform going on in States all across the country, in communities, in counties, in districts and in the local schools. We have to play catchup.

What we have done historically is invent a new program and say this is a silver bullet, take the program and put a little bit of money in it and hope that little bit of money and our good intentions will solve the problem. It hasn't over time.

Instead of inventing a new program with a whole series of regulations, it is time for us to provide flexibility and freedom and strip away the unnecessary regulations at the local level to capture the innovation and creativity but at the same time have strong accountability.

Senator LIEBERMAN has again and again said we have to have strong accountability if we are going to provide this freedom, if we are going to allow this flexibility. I agree. It is time to have that freedom and flexibility to innovate but there needs to be strong accountability.

Accountability is sort of a strange word. What does it really mean? What it means is taking an individual student—it might be a classroom or it might be a school—and assessing whether or not that student is learning. That is all accountability is—to ensure that we provide freedom from regulations, which improves the return in school performance, in education, in the ability to learn, in being prepared for the world that we know students will soon be facing, matching freedom with results. You have to be able to demonstrate the results.

That leads to a correlate. We haven't done very well in this Nation in terms of research. One of the sad things we have done at the Federal level, which was not intended, was put this straightjacket on the system such that we have not allowed good research to determine what works and what doesn't work. So we need demonstrable results. That means we need to have some sort of measure and more assessment.

If we do that, I am absolutely convinced that when you shed the light on

what does and does not work, Americans today will make good choices. They will reward what works and they will not reward what doesn't work. That is the way America has thrived in the past.

The problem with part of the research in education today is that we have not focused the spotlight on what works and what doesn't work. So we haven't been able to empower parents with that ability to express choice or to express approval.

The first principle is tying the flexibility with strong accountability and strong, demonstrable results. The second principle is focusing on kids and children. The more you look at the history of the last 35 years the more you will see the focus at the Federal level has been on institutional systems and bureaucracies—doing that makes us feel good because we can invent a new program for a perceived problem or failure and again put some money in it. Then we can walk away and say we have done our best in addressing it. After 35 years, that hasn't worked.

I spoke about math and science in the 12th grade. I could give you the same statistics for the 8th grade. For the last 30 years, using standardized tests that are well controlled, we have seen no improvement in math or reading, where other countries have improved over the last 30 or 35 years.

I believe if we focus on the individual child—the disadvantaged child, the child who may not be from a wealthy family, the family that may live in a neighborhood that just doesn't have the resources, the family that is underserved in whatever criteria—if you focus on that child instead of an institution, instead of a bureaucracy, we will see more innovation and more creativity and understanding the very best of what America is all about. Freedom in exchange for results, I believe, will work best if we focus on the child.

There will be amendments proposed on the floor as to "portability." That means instead of whatever funds we have and we direct the taxpayer dollars to come out of Nashville, TN to Washington, DC, and for every Federal dollar that comes up on April 15 to the Federal Government, only about 35 cents is returned to the classroom itself. We need to examine how efficiently we are using those dollars today.

What is the value of the education dollar we are investing today? I suggest that it is not nearly as good as it should be or could be.

If we come together and are allowed to proceed today, we cannot merely conceptualize but we need to actually pass legislation. The goals have been articulated by the President of the United States. We have a responsibility to look at those goals and to develop a strategy, on which we have taken the first step in this underlying bill, and improve it over the next several days as we move forward.

The third principle I mentioned yesterday was information. Keep that information current, employing again a way that we can empower parents. The information needs to be current. It doesn't matter what happened 5 or 10 years ago. We need to know how well schools and teachers and students are doing so we can assess from a national perspective and also legally empower parents to make choices for their children. We need to have that information. We have failed miserably. We can invest better to enlarge educational research to determine what teaching methods actually work.

Another point that I have mentioned again and again is that people will say if you have a school that is not doing well, are you talking about taking all of the Federal money out of the schools and putting it somewhere else where they might be wealthy or are doing well? No, we are not saying that.

The President of the United States has been very clear. When the administration or we in committee say that we don't want to reward failure, we mean through better data, through better information, and through better assessment, again focusing on the child and identifying what works and what doesn't work. If something is not working, ask why, and try to fix it based on the best policy and the best tools that you have today. And, yes, invest more money, if necessary, if that is the reason, in order to try to fix it.

But if that school fails one year, and you have a child in that school—remember that child's face—and that school fails a second year—remember that child's face; they are trapped in that school; and think about it being your child—if they are trapped in that school for a third year of failure, meaning in academic performance, achievement, and ability to learn, but also safety issues—a school that might be unsafe in spite of doing everything you can in terms of establishing safeguards and investing in that school—and if your child is trapped in that unsafe school a fourth year, and they have not learned over those 4 years—the school itself is failing though you put more resources into it—then there needs to be repercussions. That is the American way of doing things.

Again, we need to focus on the child, doing what is best for the child, not what makes you feel good about a particular school. This happens after repetitive failure. That is a part of the policy with which we have worked in a bipartisan way on this bill.

Again, I think this is just an example of why it is so important for us to be allowed today to proceed to this bill and have the sort of debate that we owe our children, that we owe our schools, that we owe our teachers, given the fact that they have been trapped in a system which is not working, as we compare ourselves to people in other countries.

I think we do have a great opportunity in this reauthorization. In a reauthorization bill we go back and look

at legislation and plan ahead for, say, the next 4 years, but in this case it is 10 years for reauthorization of the Elementary and Secondary Education Act.

We have a wonderful opportunity, based on strong bipartisan support, based on the principles of the President of the United States in his discussion of education, initially on the campaign trail and also since becoming President. That encompasses having local control, empowering parents, investing more, yes, but investing it wisely where you have true value to meet those goals. That means accountability with assessments.

We give States the freedom to innovate, to use Federal funding in a way that identifies the needs that might be peculiar to Alamo, TN, or Knoxville, TN, or a school district in the tri-city area of Tennessee. We would give them the flexibility to address problems in a way where they can have increased freedom, increased flexibility, but we inextricably link it to demonstrable results, to make sure that the child is achieving to the best of his or her ability. We have to give them the opportunity to learn.

In that way, we are giving States, as well as local districts, the opportunity to maximize flexibility. At the same time, we minimize regulation because as well intended as the programs we design are, nobody knows the child in the classroom better than the teacher who is at the head of the class—nobody at that school. They are there day in and day out. And taken one step away, the same thing is true about the principal, who knows the strengths of the school, who knows whether it is the building itself that needs repair or that there needs to be an additional computer in this classroom or an afterschool program for that child. Those decisions need to be made locally.

We need to have that minimization of regulation, as long as there is strong accountability and that insistence upon measurable results—not what makes you feel good and not what is just the trend of the time but measurable results. It does not mean we write the curriculum in Washington, DC. I think most people in this body would be absolutely opposed to having the curriculum written in Washington and then imposed on the States. The whole idea is to allow the people locally—in their communities, in their States—to develop the standards that best meet their particular area.

We need a national comparison. That is why you will hear the discussion of the NAEP test, the sample test, which does allow an assessment and comparison of community to community or State to State.

If you put all this together and you look at it, the trend that will emerge—again, if we are allowed to proceed to this bill today—the trend you will see is one that is critical, very important; that is, to have the U.S. Government or Washington, DC, no longer being the regulator but, rather, the investor in

education, to invest in that individual child, to invest in that individual student, instead of regulating.

Regulation simply has not worked. We will discuss the reasons it has not worked over the next several days. We need to maximize flexibility and minimize regulations, but we have to tie both of those to strong, demonstrable, measurable results as a condition of participation.

The Federal role, again, is important. The opportunity we have as we address these issues over, hopefully, the next 2 weeks, will make that Federal role become clear. It is enormous. When I say that, a lot of my Republican colleagues or people back home might say: Good gosh, Senator FRIST, what are you talking about? What are you talking about that this Federal role is enormous?

Let me be clear. If you have a pie chart, the Federal dollars that are spent in communities throughout Tennessee or any State, in the aggregate, are only a little sliver, only about 7 percent. The figure varies. In some States it can go from 5 or 6 percent up to 9 percent, but on average it is 7 percent. That means most of the funding and fiscal responsibility is at the local level, just as I believe it should be. But our role is enormous because our discussion, what we produce in terms of regulation as an investor in education, instead of as a regulator, very much defines the tenor of the national discussion—the tone of the debate that goes on at the State level, at the community level, at the district level in individual schools and, indeed, I would argue, around the dinner table at night or the breakfast table in the morning.

It is the tone of that debate that we are not, as a nation, adequately addressing on the issue of educating our young people, preparing them for tomorrow. That tone, that tenor, is set in Washington, DC.

No. 2, I believe, again, the Federal role is important, is enormous, in that we do help set priorities. We are in a position to step back and look at the whole Nation and see, with the data that is available, what works and what does not work. We have an obligation to articulate that based on the very best information possible.

When I go to a school in, say, rural Tennessee and talk about our failure as a nation, people say: Our school seems pretty good. We believe we are learning pretty well. How could we do better? We are working hard. We have what we think are good teachers.

But when I come and say that is not what the data shows, that is not what the information shows, they will say: Why does it show that? And questions start being asked. That is the second aspect that I believe is important for the Federal role—that we have the opportunity, from the national perspective, to set certain priorities and redirect or reinvent or reconceptualize what has not worked in the past.

Mr. President, again, we are in morning business now. We will have a vote, hopefully, later this morning.

Just for clarification for my colleagues, what is happening is that a number of people right now are talking about the particular policies, talking about the level of funding that is most appropriate. All of those issues will be brought to the Chamber and discussed. But a lot of discussions have gone on over the weekend and through yesterday and through this morning.

I am very hopeful we can come to some resolution over the next 30 or 45 minutes so we can proceed to the bill. ESEA, the Elementary and Secondary Education Act, is 35 years old. I mentioned 7 reauthorizations and now 60 programs. It has tremendous promise. The goal initially was to have more access, but really it was to address the academic achievement of the underserved, to make sure that that achievement gap would not get worse over time.

Unfortunately, in spite of that being the goal, if we look at title I—which we will be talking about, which is about half of the overall bill and is aimed at disadvantaged children; and I think that has been a great monument in the bill because it shows the intent of where we have to work, where we have to focus, but also probably its greatest failure—the achievement gap over the last 35 years has gotten worse. The gap between the underserved and the served has gotten bigger and bigger and bigger over time.

We need to address it. We need to address it head on. We have done that in the underlying bill which will probably be improved as we debate it in this Chamber. But we have to come together in a bipartisan way, under the leadership of the President of the United States, who has brought this problem to the forefront, I believe, of all the issues addressing our Nation.

So we have a bill, a 35-year-old promise. It is now time to update that bill, to reauthorize that bill in a way where the investments, the programs, the intent, and the strategy are really, for the first time, I would argue, in harmony with this 35-year-old bill which shows, in terms of intent and purpose, tremendous promise. It is time to bring those together.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, we have been focusing for the last 2 weeks on education. Education is probably the

answer that is most often given in terms of priorities people think are important. Yet we seem to have a difficult time moving forward.

I don't think there is much debate about the concept of helping education, giving young people the opportunity to have a better life. We get bogged down, unfortunately, in the details. I am anxious that we move forward—I hope we can—today and begin the debate.

There are legitimate differences of view with respect to what to do, particularly concerning the role of the Federal Government. There are those who believe the Federal Government has great responsibilities and should, indeed, set the stage for how it is done and, whenever Federal money is made available, there ought to be requirements as to how each school should use the money.

In the last administration if there was money for education, President Clinton said it had to be used for smaller classes or it had to be used for buildings. The fact is, the needs in different places are quite varied. We must also remember that the contribution from the Federal level is about 6 or 7 percent of the total expenditures for elementary and secondary education.

What we are trying to do is assist in certain areas, helping local school boards and State education departments decide what is best for them. I am particularly sensitive to that in that I come from a State with low population density. We have lots of small schools, and the needs in those small schools are often quite different than they are in metropolitan areas. The idea of the Federal Government putting down regulations certainly doesn't work.

I am persuaded that the education bill that will be before us has some excellent goals. That is what we ought to be doing—setting some goals we want to achieve and then moving towards the achievement of those goals by what we do in the interim.

For example, as to increasing accountability for student performance, there was a great letter to the editor in my local paper last weekend from a former school board member who made the point that education has to be financed. Financing is an essential element to good education, but financing alone does not do it. Dollars are not all that is important. We have to have some accountability for student performance, for school performance, and for teacher performance. That is one of the key elements.

We also have to do some serious examination on the local level as to what programs work best and to make sure the resources are available to go into the programs that work and that we move money to accomplish that.

I do not think there is any question most people would agree we need to reduce the bureaucracy and increase flexibility. It happens that my wife is a special ed teacher in a public high school. I hear all the time about the

amount of effort that has to go into the detail of regulations, the paperwork, as opposed to teaching, which is not peculiar in terms of funding by the Government. I realize if you are going to have accountability for the money, there has to be some reporting. But when you have professional people spending half their time with paperwork, that is not the direction we ought to be going.

Then there is the amount of money, what we are going to be arguing about in this Chamber. Some of our friends on the other side of the aisle think if we just put in all the money that is available, it somehow will work out. I don't believe that is the case. We have to look at funding, but we have to look at some of the principles that are equally as important.

The fact is, President Bush has recommended more spending for education than was recommended in the previous administration. Since a Republican-controlled Congress has been in existence since 1994, we have had more increases in the Federal contribution to spending than we have ever had before. We will hear shortly about how we ought to be spending all the money in the world. In my view, that is not the only element of successful education. Empowering parents to have some opportunities, to have more input into what they are doing is important. Again, a little experience in this area shows me that charter schools are a great idea so that parents have some flexibility and some choices as to what they do within the public school system, as to where their youngsters go to school, and how we can do some of those kinds of things.

So I guess my real message is that it is time to get on with it. I know there are three, four, or five people, probably, in this 100-Member body who are determined to hold things up until they get their way. It isn't going to be that way. It has to be done when there is a majority that agrees on what it is that should be done. I hope we can move on that.

We have other things we need to do. We need to get back to the budget, get on with tax relief, get on with energy; these are some of the areas with which we have to deal. Hopefully, we will deal with them soon. I am anxious that we move forward with education. We have a great plan and all we need to do is implement it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise today to talk about education. I appreciate my colleague from Wyoming talking about it. I saw Senator FRIST earlier today discussing the President's education plan and certainly the congressional education plan. I think they are very close.

What I think is so important is the emphasis that is being placed on quality public education. Thomas Jefferson said, from the very beginning of our

Republic, that public education would be the foundation for democracy. That really set us apart from all the other countries in the world because at that time only the most elite were educated. It was only the children of dukes and duchesses around the world; it was only the elite who could afford private schools around the world. But that wasn't the foundation of America. The foundation for America was that every child would receive a quality public education so that child could reach his or her full potential and, of course, contribute to the great Nation that would become the United States of America.

Mr. President, it has been proven time and time again that the creativity that comes from having every child in our country educated has put us in the forefront of technology, of space exploration, of medical research, of quality health care. It goes on and on and on.

In the last 10 to 15 years in our country, we have lost the battle that every child would receive a quality public education. Today, this week, this year, Congress and the President are saying: No more. No more are we going to allow some children to waste away in schools that are not performing and lose that potential, that productive citizen for our country.

We are going to reform public education. We are going to put more money into it. But there is a wonderful chart that the Secretary of Education, Rod Paige, has shown us that actually reflects that we have increased spending in public education, and the figure has gone up for the past 25 years. But, in fact, the test scores have straight-lined—even gone a little bit down.

Well, that doesn't work. Pouring more money into it without giving our parents and teachers and principals and school districts and our States the opportunity to get in and help each individual child with that child's learning needs doesn't work. It doesn't work to pour more money in if we don't give them the tools they need to do the job. That is why we are focused on accountability, on letting parents know what the test scores are.

Yesterday, I visited Stonewall Jackson Elementary School in Dallas, TX. I saw the formula for an excellent school. This is a school that is just in a regular middle-class neighborhood that also includes children who are deaf and have learning disabilities—a very diverse student body. Those children have a spark and creativity for several reasons. They also have the highest test scores. But they have the creativity and the spark because they have a principal who welcomes parental involvement. They have a PTA that has teams. They have a men's group. It is like a men's group at church, and that men's group comes into the public school and helps plant gardens, paint things when the paint is peeling, and it is not on the list to fix right away. They are raising money to install security systems. They are raising money

to make sure the library is totally stocked. They are involved in their school, and they are welcome in the classrooms any time.

So you have the leadership of a principal, you have parents who are involved, and they have made it fun to be involved, and they are improving the school. That creates a spark in the teachers. Senator GRAMM and I walked into that elementary school, and it was all decorated as a Caribbean island. We asked, "Why are we seeing trees and monkeys in this elementary school?" It is because they adopt a country every year, and this year it is the Caribbean islands. Last year it was Spain. They adopt a country and they talk about that country and they learn about the language and the customs. They have learned something that gives them a new look at life.

I am happy that we are focusing on public education. This is just the overview. The overview is, we are going to reform our public schools so that every child in America can reach his or her full potential with a public education. We are going to start talking about the specifics in the next 2 weeks in Congress.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. How much time do we have left?

The PRESIDING OFFICER. Twelve minutes.

Mr. WELLSTONE. I will be brief. I spoke yesterday about this issue. Let me, first of all, say that, again, before the spring recess, there was a unanimous consent to go forward with the bill, but I had not seen much of the language that was going to be added and changed in the bill. In order to be a good legislator for the people you represent, you need to know what is in a bill. As it turns out—and don't ask me why; I may be alone on that—we are about to proceed to the bill, but we haven't seen so many of the fundamental changes that are in the process of being made. How can you be a good legislator and represent people and represent children on such an important question—and there is no more important question—without yet knowing what is in the bill?

On principle, I am opposed to proceeding on a bill that we don't even know much of the language. There are some very important policy questions, one of which, for example, is the Straight A's Program. To what extent are we block granting programs like afterschool programs? To what extent are they no longer part of the national priority, national goals? I don't know. I want to see the language. I haven't seen the language on that.

Second point. We are about to do something very reckless.

I find it stunning so many Republican colleagues, much less Democratic colleagues, will vote for this. We are about to now put into law a Federal mandate that every school and every

school district all over the country, every year, from age 8 through age 13, will test every child. This will be a Federal mandate. But, at the same time, we are quite unwilling to pass a Federal mandate that there will be equality of opportunity for every child to have a good education and to do well and to succeed.

My understanding was the Democrats were saying yes to accountability, if it is done the right way. And, by the way, if we are not careful, this is going to result in the worst kind of drill education where we will basically be saying to teachers—and we are trying to recruit the best and brightest—we will tell them what to teach, when to teach, and how to teach. Over and over again the focus will be on these tests.

The question is, How do you do an assessment system the right way? I will have a number of amendments to make sure we ensure high quality assessments so we can do it the right way if we move to the bill. Again, I would like to see the final language on this bill.

I heard from my colleagues on our side that the position was yes to accountability, but we also were going to make sure that we were not creating a huge unfunded mandate. The President calls for \$300 million for the administration of these tests. The National Association of State Boards of Education, the people who are in the field, are saying it will cost us a minimum of \$2.5 billion to do this, maybe as high as \$7 billion if we go to multiple measures and do not rely on one standardized test, which we should never do.

On top of that, we are talking about a proposal from the President that says \$670 million more for title I; that is all he is calling for. We are funding title I at one-third the level we should be if we were to fully fund the program.

I will have a trigger amendment that says we cannot mandate new tests of all these children—starting as young as age 8—until we fully fund the title I program. My understanding was we were going to get a commitment on investment of resources in the IDEA program. My colleague from Iowa has been such a leader in this area for children with special needs.

I also think it is disgraceful to talk about these mandatory tests when we don't even fully fund Head Start. We fund Head Start at 50-percent of what we need for 4-year-olds, even less for 3-year-olds and only 3 percent for Early Head Start, which serves children aged 0-2-year-olds. We know how important early childhood education is to future learning, we know that most kids do not get it, but we will still test these children at 8 years of age and expect them to do as well as children who have had every advantage. We are setting up a lot of children and a lot of teachers and a lot of schools in Minnesota and throughout the country for humiliation. I thought we would have a deal. I thought Democrats would stand up for investment in resources that go with accountability. I thought Demo-

crats would stand up for accountability being done the right way.

The President of the United States calls this the BEST program, yet all he offers in terms of support for children and schools is a tin cup budget. And we are going forward on this bill? I don't think we should go forward on the bill until we see the changes that are being agreed to. I don't think we should go forward until we have an agreement on the policy. I don't think we should go forward until we have a mandate on commitment of resources.

I will talk more about this. I believe colleagues are giving up our real leverage. I wish to fight harder for children in education. I will spell this out in great detail after the vote. I, maybe only speaking for one, will vote against proceeding to this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I compliment my dear friend and colleague from Minnesota. There is no one who fights harder for education with more courage, compassion and conviction than Senator WELLSTONE from Minnesota. He comes from a background of having been an educator and in education for most of his life before coming to the Senate.

Senator WELLSTONE is right. We are about to embark upon a lot of rhetoric. We are going to talk about reforming education, saving education in America, but without the resources it will just be empty rhetoric, one more time.

We have to review where we have been on this bill. The Elementary and Secondary Education Act expired 2 years ago. Why are we on it now 2 years later? The other side wouldn't let us pass it last year. They blocked it. And now there is this rush to get it through.

I am all in favor of passing the Elementary and Secondary Education Act. As I understand it, the bill here is the one passed by committee. I understand they are working on another bill. We have not seen it yet and they will drop it sometime after we vote for cloture.

I make the point that Senator WELLSTONE so eloquently made. This is an authorization bill. We can say all these flowery things about saving education, having testing and all that sort of stuff, but if we don't have the resources to back it, we are fooling the American people one more time.

Where are the resources for this bill? The National Association of State Boards of Education said the testing requirements in this bill could cost, as Senator WELLSTONE said, anywhere from \$2 billion to \$7 billion over 4 years. Where are the resources to pay for that? Are we going to dump it on our property taxpayers one more time? Testing every year means raising property taxes to pay for it. That is basically what we are going to say, unless we have the resources.

I have not seen this administration willing to come forward with an agreement to say, we will back X amount of

resources to fulfill these mandates we are about to put on the States, one more time.

The other side is always talking about unfunded mandates. This is going to be another unfunded mandate. Do the testing. Then raise the property taxes to pay for it.

I don't know about other states, but in my State of Iowa we are paying enough property taxes as it is.

Do we have the resources? That is the next question. Right now, of every Federal dollar we spend in discretionary spending of hard-earned tax dollars, 2 cents goes for education. Two cents out of every dollar we spend goes for education.

Again, do we have the resources? It depends on your priorities whether or not we have the resources. Here is the President's tax cut plan. For the wealthiest 1 percent—I am not talking about middle-class tax cuts; I am talking about for the wealthiest 1 percent—\$697 billion in tax cuts to the wealthiest 1 percent; \$21.3 billion for education.

We have the resources. Don't kid yourself. It depends on what you want to do with them. If you want to give it in tax cuts to the wealthiest, you will support the Bush tax cut. If you want to do education, we will have some amendments on the floor when we consider this bill. The real battle will come on appropriations, on whether or not we will have the amount of money in the appropriations bill to pay for all this testing and everything else that we say we love so much.

I remind Senators, a few weeks ago we passed an amendment, 53-47, to take \$250 billion and put it in education over 10 years, compared with the President's request of \$21.3 billion. What we voted on a few weeks ago by a vote of 53-47 will have the resources to pay for the testing. It will have the resources to fund the Individuals with Disabilities Education Act. It will have the resources to fully fund title I programs and the resources to reach down also for things that are not in this bill, such as Head Start.

Second, there are three items that no one is discussing that we will have to belly up to the bar on and vote:

No. 1, the Individuals with Disabilities Education Act. Are we willing to fully fund it or not?

Second, school construction. Are we going to help prepare the leaky roofs and bring schools into the 21st century?

Third, are we going to continue to reduce class sizes so our teachers can teach, so the kids can pass these tests that we are going to foist upon them?

Senator WELLSTONE is right. We need a commitment on resources, not just the rhetoric. When this bill is considered, we will have amendments. But keep in mind the real test is going to come on whether or not the Appropriations Committee will be supported by this administration to come up with the money to fund the rhetoric that we

will hear a lot in the next few days in the Senate.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. All time has expired. Morning business is closed.

## BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—MOTION TO PROCEED

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on the cloture motion on the motion to proceed to S. 1.

Under the previous order, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, the clerk will report the motion to invoke cloture.

The senior assistant bill clerk read as follows:

### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 23, S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965:

Trent Lott, Jim Jeffords, Bill Frist, Rick Santorum, Kay Bailey Hutchison, Don Nickles, Tim Hutchinson, Strom Thurmond, Frank Murkowski, Pat Roberts, Sam Brownback, Jeff Sessions, Mike Crapo, Judd Gregg, Susan Collins, and Jesse Helms.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

The PRESIDING OFFICER (Mr. ENZI). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 96, nays 3, as follows:

[Rollcall Vote No. 88 Leg.]

### YEAS—96

Akaka	Chafee	Feingold
Allard	Cleland	Feinstein
Allen	Clinton	Fitzgerald
Baucus	Cochran	Frist
Bayh	Collins	Graham
Bennett	Conrad	Gramm
Biden	Corzine	Grassley
Bingaman	Craig	Gregg
Bond	Crapo	Hagel
Boxer	Daschle	Harkin
Breaux	Dayton	Hatch
Brownback	DeWine	Helms
Bunning	Dodd	Hollings
Burns	Domenici	Hutchinson
Byrd	Dorgan	Hutchison
Campbell	Durbin	Inhofe
Cantwell	Edwards	Inouye
Carnahan	Ensign	Jeffords
Carper	Enzi	Johnson

Kennedy	Murkowski	Smith (NH)
Kerry	Murray	Smith (OR)
Kohl	Nelson (FL)	Snowe
Kyl	Nelson (NE)	Specter
Levin	Nickles	Stabenow
Lieberman	Reid	Stevens
Lincoln	Roberts	Thomas
Lott	Rockefeller	Thompson
Lugar	Santorum	Thurmond
McCain	Sarbanes	Torricelli
McConnell	Schumer	Voinovich
Mikulski	Sessions	Warner
Miller	Shelby	Wyden

### NAYS—3

Landrieu	Reed	Wellstone
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### NOT VOTING—1

Leahy

The PRESIDING OFFICER. On this vote, the yeas are 96, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that after the caucuses I be allowed to speak at 2:15 for my time, post cloture.

The PRESIDING OFFICER. I believe there are a number of people who want to have the opportunity to speak on this, and we traditionally alternate. I respectfully object.

Objection is heard.

The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the fact that we are now going to have a real opportunity for debate on education policy in the Senate. I expect that it will take a number of days in order to address many of the interests of our colleagues, but I think the time could hardly be more well spent. This is the major debate that we will have on a matter that is of central importance to families all over this country. I thank our two leaders for working to make sure that we could have this debate.

As the ranking minority member on the Education Committee, I thank our colleagues from the other side of the aisle, Senator JEFFORDS and others, who have been active and involved in helping to bring us here. I am enormously grateful to all of the members on the full committee who have spent a great deal of time on education matters and have provided leadership in the past in so many different aspects of the education debate.

We are looking forward to this debate. We are looking forward to taking action on education here in the Senate Chamber.

Just to review the bidding, we have filed a cloture motion to proceed to a bill which was reported out of the committee virtually unanimously. However, this vote should not be taken to indicate that a clear consensus has been reached between the administration's best judgment of what is needed and the best judgment of a number of us on how we can really deal with strengthening our educational system. The legislation will be the basis for amendments, although under the rules of the Senate it will be possible, as I understand it, to amend the bill that will be before us, but I expect it is